

USE ONLY

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ROUTING AND RECORD SHEET

Approved For Release 2002/08/15 : CIA-RDP86-00101R000100070031-3

SUBJECT: (Optional)

x 454!

FROM:

Chief, Review Staff, OP
1006 Ames

EXTENSION

NO.

DATE

23 January 1978

STAT

TO: (Officer designation, room number, and building)

DATE

RECEIVED

FORWARDED

OFFICER'S
INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

1. DD/Pers-P&C
1006 Ames

1/24 JSM

Ben:

Herewith drafts of the proposed changes for Title IV . . . original version . . . per Mr. Janney's request. Included is a page of explanatory notes.

3. AD/Pers
5E 58 Hqs.

I have not put these into final as we don't yet know what changes the SCI will make in the revised version of Title IV coming out of the 13 January meeting . . . but here they are to be on hand if anyone wants the material in a hurry.

Once we see the revised Title IV, we can go final, if still relevant. The new Title I includes authority for the Director "to employ" (not in earlier version) but continues with the cutoff at GS-18. One wonders if the intent is to have Congress pass on anyone . . . and everyone . . . being paid at EP equivalent, including new assignees to those positions "transferred to the Agency under this Act" . . .

STAT

PROPOSED REVISIONS IN TITLE IV

Section 407c(1)

Subject to the provisions of paragraph (2), the Director may appoint such other subordinate officials to assist him in the performance of his duties as he deems appropriate.

(Proposed revision of subparagraph (2))

A.

(2) Executive schedule positions within the Agency of Director, Deputy Director, General Counsel and Inspector General are authorized by law. In addition to the Executive Schedule equivalent positions and the Supergrade equivalent positions of grades GS-16, 17 and GS-18 transferred to the Agency under this Act, the Director may establish equivalent positions at executive pay level V and at grades GS-16, 17 and 18 as are necessary to conduct the business of the Agency.

B. Alternative

(2) Executive Schedule positions within the Agency of Director, Deputy Director, General Counsel and Inspector General are authorized by law. Executive Schedule equivalent positions in addition to those transferred to the Agency under this Act will be as authorized by law. The Director may establish, in addition to those equivalent Supergrade positions transferred to the Agency under this Act, Supergrade equivalent positions at grades GS-16, 17 and GS-18 as required to conduct the business of the Agency.

Section 408a(c)

(Proposed change is underlined)

Appoint such personnel as it deems advisable, without regard to the provisions of Title 5, United States Code, governing appointments in the competitive services, and fix the compensation of such personnel without regard to the provisions of Chapter 51 and Subchapter II and III of Chapter 53 of that Title, relating to Classification and General Schedule and Executive Pay Rates, but at rates not in excess of the rate authorized for GS-18 by Section 5332 and for Executive Schedules Level V by Section 5316 of that Title.

Notes on the Revisions

1. The Agency at present has only two statutory Executive Schedule positions, the Director and Deputy Director. Certain other Agency positions are designated as positions to be compensated "at rates established for Level IV and Level V of the Federal Executive Salary Schedule". This designation was made in a 1964 memorandum of the Director pursuant to his authority under the CIA Act and other applicable laws. (OGC 76-5544 of 6 October 1976). The Agency, exempt from the Classification Act, also establishes its supergrade positions by authority of the Director. Section 5108 of Title 5 U.S.C.A. is the authority for the establishment of supergrade positions elsewhere in government except for NSA and FBI which are controlled by individual laws. Because the Agency EP and SG positions are not established under the provisions of the specific laws, they are termed "equivalent".

2. In addressing Section 407c(1) and (2), we have presumed the term "position" is meant to include both number and substance.

3. The "A" revision of Section 407c(2), except for the positions of General Counsel and Inspector General whose statutory base we presume has been accepted by the Agency, would retain the current authority of the Agency under the CIA Act of 1949 to establish positions as necessary. This was the obvious intent of the Congress in drafting the 1949 law and was supported by an unpublished Comptroller General Opinion, B74185, March 12, 1948, copy attached.

4. The "B" or alternate revision would be a compromise if the SCI is firm on some control in this area of administration. It includes the Executive Schedule positions in the statutory requirements, but gives the Director control of the supergrade positions.

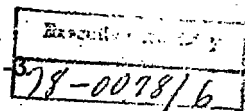
5. It is not clear from the SCI draft if the intent is to control the Executive Schedule positions by number or by title (and substance), listing them in Sections 5315 (Level IV) or 5316 (Level V) of Title 5, U.S.C.A. If the control is by number, there would be no case for claiming security. In this situation, it is presumed the positions would continue to be "equivalent"

Section 408a(6)

The title for Section 408, "Agency Powers" and the introductory sentence ". . . the Agency is authorized to . . ." seem an odd source for appointment of personnel. Normally this is an authority given to an individual, e.g., the Head of Agency, in CIA the Director.

The proposed revision of subparagraph (6) is edited to include authority for the Agency, or the Director, to appoint personnel and fix compensation at pay levels equivalent to EP V. We have assumed that if the ADNI's at Level IV requires Presidential appointment with advice and consent of the Congress, the Director's authority to appoint would necessarily be limited to Level V.

As drafted by the SCI this section provides no appointment authority for positions at EP level, although Section 407 states the Director may appoint the Inspector General--EP V.



NFAC-275-78

23 January 1978

MEMORANDUM FOR: ✓ Acting Deputy Director for Central Intelligence
 Deputy Director for Science and Technology
 Director, National Foreign Assessment Center
 Deputy Director for Administration
 Deputy Director for Operations
 Office of General Counsel
 Office of Legislative Counsel
 Office of the Comptroller
 Office of the Inspector General

STAT FROM: [redacted]
 Associate Director-Management
 National Foreign Assessment Center

SUBJECT: Titles I and II of Charter Legislation

- STAT 1. [redacted] OLC, and representatives of OGC will be meeting with Elliot Maxwell, SSCI staff, Wednesday morning to discuss remaining issues on the SSCI draft Title I. Although we were thinking of sending around a paper identifying these remaining issues, in view of the short deadlines involved for our work both on this title and on Title II, it would be more efficient simply to draw your attention to the 13 January paper which identifies in some detail all the issues discussed with the SSCI on the earlier draft of Title I. The OLC and OGC representatives will be raising with Mr. Maxwell all of those issues not reflected in the Title I draft received last week, copies of which were distributed throughout the Agency. If your office has any additional concerns it would like raised at the Wednesday meeting, please provide them to [redacted] by COB Tuesday, 24 January. STAT
- STAT 2. As was agreed at the meeting on Title II this morning, one representative from DDO, NFAC and DDA will meet with [redacted] and [redacted] at 12:30 a.m. Tuesday in Room 6D0120 to provide ammunition for the meeting with John Elliff scheduled for Wednesday afternoon. STAT
- STAT 3. Please provide to [redacted] tomorrow specific language for those sections of the earlier draft of Title I for which your office was assigned action in my memorandum of 16 January 1978. STAT

